



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

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April 23, 2003

Paulette Malo, Chairperson
Town of Pembroke Sewer Commission
8 Exchange Street
Pembroke, NH 03275

NOTICE OF PAST VIOLATION

Re: Complaint Investigation of Sewage Discharge
Sewer line between White Sands Rd and Memorial Field
Pembroke, NH

Dear Ms. Malo:

On June 17, 2003, personnel from the New Hampshire Department of Environmental Services, Water Division, Wastewater Engineering Bureau ("DES") investigated a complaint of an unpermitted discharge of sewage to the ground and a drainage swale that flows to the Merrimack River. The discharge originated from a manhole located on a cross-country sewer line near the Merrimack River, between White Sands Road and Memorial Field, in Pembroke. The following timeline describes the event, as understood by DES, based upon the site inspections and subsequent investigation.

BACKGROUND

On Tuesday, June 11, 2002:

- At approximately 8 a.m., you spoke to Normand Provencher, Office Manager at the Pembroke Water Works. He shared information from a recorded phone message left by an unidentified, male caller. The caller reported that 'he saw smelly water flowing at about 5 cubic feet per minute near Memorial Field as he was biking near the Field'.
- After your conversation, you visited the area near Memorial Field but found nothing.
- At approximately 8:30 a.m., you received a call from a female caller who reported noticing a sewer smell on Monday evening, June 10, while riding the trails between Bow Lane and Memorial Field.
- After 8:30 a.m. you and another Town employee drove to the sewer line easement in the woods between Bow Lane and Memorial Field. At approximately ¾ to 1 mile along the upper trail you located a manhole overflowing raw sewage.
- At approximately 9:30 a.m. you returned to the Town garage to gather tools to unplug the manhole and you contacted Advanced Excavating & Paving for assistance in managing the site clean-up.
- Between 10:00 a.m. and noon you returned to the manhole site and attempted to unplug the sewer line with the Town's jet apparatus, without success.
- At approximately noon, the contractor arrived at the site and dug holes with a back hoe to collect and retain the spilling waste until a pump could be brought to the site.
- At approximately 12:30 p.m. a pump was brought to the site. The pump was not operable until approximately 1 p.m.
- Between 1 and 3 p.m. the sewer line was pumped down and you removed shop towels and cloth products found in the waste.

- Between 3 and 4 p.m. the jet was used to unplug the sewer line. The sewage in the holes previously dug by the back hoe was pumped into the free flowing sewer line. The holes were then backfilled. The waste debris was removed from the site and lime was scattered on the ground. You estimated clean up would be finished by Friday, June 21, 2002. Lime was to be applied 2 more times as part of the effort.

On Monday, June 17, 2002:

- At approximately 1 p.m. DES received a complaint of a possible sewage discharge in the area of White Sands Lane. DES did not locate the site based on the initial complaint description. DES contacted the Allenstown Waste Water Treatment Plant operator, Dana Clement, and learned from him there had been a sewage discharge on June 11, 2002, and he stated you were aware of the event.
- At approximately 3:30 p.m., DES personnel contacted you via telephone from Allenstown. You recounted the sewage overflow event on June 11, as described above in this letter. You were questioned as to why you had not notified DES or EPA within 24 hours of the discharge, and why you had not sent DES a letter of explanation within 5 days of the event. You were instructed to prepare a letter describing the event and mail the letter to the DES immediately. You responded that your understanding was that only those discharges to surface water required a 24-hour notification and 5-day letter. You stated that in your opinion no sewage had been discharged to the River.
- At approximately 4:30 p.m. DES arrived at the site and noted a strong sewer odor and visible evidence that a discharge had occurred, based on the presence of sewage coated paper clumps, rags, sanitary products, and grease chunks in a 5 foot square area around the manhole. The total area of disturbance measured approximately 7 by 15 feet. There was no sign of lime previously applied to the area, nor had the debris been cleaned up. Visible signs of sewage were found in the swale leading to the Merrimack River. Based on the extent of the debris field, and the amount of rainfall received, DES' opinion is that the sewage did discharge into the River.

On Tuesday, June 18, 2002:

- DES received a faxed copy of the Town of Pembroke Sewage Commission letter dated June 18, 2002, wherein you described the chain of events surrounding the detection of the sewage discharge from the manhole and the timeline of subsequent steps taken by Town staff, as described above in this letter.

On Wednesday, June 19, 2002:

- DES received a complaint of a strong odor of sewage in the area of power lines near the municipal park, from a person rowing his boat along the east bank of the Merrimack River on June 18, 2002.

On Friday, June 28, 2002:

- DES sent the Town of Pembroke a Request for Information, with a written response date by July 5, 2002.

On July 8, 2002:

- You contacted DES to explain due to your vacation, your response was late in its delivery to DES.

On July 9, 2002:

- Your response to DES' Request for Information was received via fax.

VIOLATIONS

Based on a 6-foot wide drainage swale filled with a 1-foot thick flow of sewage, the discharge of 95,800 gallons of sewage would reach approximately 2,135 feet. This is substantially greater than


the approximate 70-foot separation between the manhole and the Merrimack River. Based on this information, and the fact that heavy rains occurred prior to the sewage being cleaned up, DES believes the spill impacted the Merrimack River.

New Hampshire Revised Statutes Annotated ("RSA") Chapter 485-A Section 13, I(a) ("RSA 485-A:13, I(a)") states that "It shall be unlawful for any person or persons to discharge or dispose of any sewage or waste to the surface water or groundwater of the state without first obtaining a written permit from the Department of Environmental Services." Based on the information available on this spill, DES believes that Pembroke violated this statute.

The purpose of this Notice of Past Violation is to put the Town of Pembroke on notice of the violations that occurred in Pembroke beginning on June 11, 2002. DES recommends that the Town provide for back-up coverage of the Sewer Commissioners to provide contact persons during periods of vacations, or other absences from the workplace, to appropriately respond to date-sensitive information requests in the future. DES strongly recommends that Pembroke institute a sewer maintenance and inspection program with regularly scheduled line cleaning to prevent blockages such as this from occurring in the future. The Town of Pembroke is responsible for complying with all applicable requirements, whether found in statutes, rules or applicable permit(s).

Other than taking steps to prevent future unpermitted discharges and to ensure that any future unpermitted discharges that do occur are reported and remediated in a timely manner, no further action relative to this discharge is required. If you have any questions regarding this Notice of Past Violations, please contact Sharon Ducharme at (603) 271-3307.

Sincerely,


COPY
John R. Bush, P.E.
Administrator
Wastewater Engineering Bureau

cc: Joy Hilton – USEPA, Water Technical Unit
Sharon L. Ducharme, P.E. – DES WWEB
Mark Harbaugh – DES Legal Unit